

FILED

NOV 20 2007

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MANUEL GUATEMALA MARTINEZ,
aka Manuel Guatemala,

Defendant - Appellant.

No. 06-50295

D.C. No. CR-03-00889-R-3

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted October 22, 2007**

Before: B. FLETCHER, WARDLAW and IKUTA, Circuit Judges.

Manuel Guatemala Martinez appeals from the district court's order,
following a limited remand pursuant to *United States v. Ameline*, 409 F.3d 1073
(9th Cir. 2005) (en banc), concluding that the sentence previously imposed would

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

remain the same. We have jurisdiction pursuant to 28 U.S.C. § 1291 and we remand.

Martinez contends that his sentence is unreasonable because the district court failed to consider the factors contained in 18 U.S.C. § 3553(a) and because the district court did not understand the full scope of its discretion. Because we cannot determine from the district court's statements whether "the district [court] judge properly understood the full scope of his discretion in a post-*Booker* world," we remand for further proceedings. *Cf. United States v. Combs*, 470 F.3d 1294, 1297 (9th Cir. 2006).

REMANDED.